

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In re:

CASE NO.:3:14-bk-01485-PMG

WANDA IVETTE JANSEN, and

JOHN JAMES JANSEN, JR.,

Debtor(s).

**AGREED ORDER GRANTING DEFENDANTS' MOTION TO DETERMINE SECURED
STATUS OF NAVY FEDERAL CREDIT UNION (CLAIM 07) AND TO STRIP LIEN
EFFECTIVE UPON DISCHARGE**

Upon consideration of the Debtors' Motion to Determine Secured Status of Navy Federal Credit Union (Claim 07) and to Strip Lien Effective upon Discharge, which was served upon all interested parties on August 12, 2014 with Local Rule 2002-4 negative notice legend informing the parties of their opportunity to object within 30 days of the date of service, and with Navy Federal Credit Union ("Navy Fed") filing its amended response (D.E.50) on October 22, 2014, and no other interested party filing in opposition, it is

ORDERED

1. The motion to avoid the lien is **GRANTED**.
2. Navy Fed is the holder of a second mortgage on the Debtors' homestead property in the amount of \$61,335.21, (POC07) plus additional unknown interest and costs, recorded on March 25, 2008 in the Nassau County Records in OR Book 1557, Page 973. The property is more particularly described as follows:

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF NASSAU, WITH A STREET LOCATION ADDRESS OF 85093 CUNO CREEK DR; YULEE, FL 32097-4814
CURRENTLY OWNED BY JOHN J. JANSEN JR HAVING A TAX IDENTIFICATION NUMBER OF 43-2N-27-4643-0015-0000 AND FURTHER DESCRIBED AS TRACT 15 MILITARY IN OR 1185/1151 WILSON NECK HILLS 2 UNR .

3. The value of Navy Fed's interest in said property is \$0.00, and therefore is not an allowed secured claim, and shall be treated as an unsecured claim.
4. Navy Fed's lien is void and automatically extinguished pursuant to 11 USC 506(d) upon entry of an Order of Discharge pursuant to 11 USC 727, 1141, or 1328.
5. A copy of this Order may not be recorded in the public records until after Debtors have received a Chapter 13 Discharge.
6. In the event this case is dismissed or converted to another Chapter of the Bankruptcy Code prior to the conclusion of the Plan and entry of a Chapter 13 Discharge in favor of the Debtors, then the mortgage lien of Navy Fed shall be retained and the lien shall secure the full amount of the debt as applicable under non-bankruptcy law and the Court Order stripping the lien shall be null and void.
7. No sale of the Property may occur free and clear of the Navy Fed's lien while the bankruptcy case is pending as the Bankruptcy Code provides that the lien be retained on the property until the Navy Fed's claim is paid in full or until the Debtors receive a Chapter 13 Discharge.
8. This Order does not prohibit Navy Fed from asserting, at any time prior to the entry of the Debtors' Chapter 13 Discharge, any rights it may have as a defendant in any foreclosure proceeding brought by a senior mortgagee, including the right to claim excess proceeds from any foreclosure sale.

DONE and ORDERED in Jacksonville, Florida, this 5th day of November, 2014



PAUL M. GLENN
United States Bankruptcy Judge

Robert D Bernard, counsel for Debtors, is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.